

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA
Montana First Judicial District Court, County of Lewis and Clark

STATE OF MONTANA,)	
)	
Plaintiff,)	
)	CAUSE NO. DC-07-292
)	
)	DECISION
JAMES RYAN ELVERUD,)	
)	
Defendant.)	

On May 23, 2018, Defendant's suspended sentence for Criminal Mischief was **revoked**. He was sentenced to the Department of Corrections for ten (10) years, with two (2) years suspended. The Court recommended Defendant be screened for placement in NEXUS, followed by a pre-release program. Defendant was granted credit for time served for the following: April 5 - 23, 2018.

On February 21, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant appeared by video conferencing from the Connections Corrections program at the Silver Bow courthouse. He was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. Defendant was further **advised** that there is no appeal from a decision of the Division. Defendant acknowledged **that** he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 21st day of February, 2019.

DATED this 20th day of March, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 25th day
of March, 2019, to:

Clerk of District Court (Original)
James Ryan Elverud #2126072, Defendant (2)
Hon. Michael McMahon
Brent Getty, Defense Counsel
Leo Gallagher, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division